

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

JEREMY COOK,

Plaintiff,

v.

BOTIE HILLHOUSE, et al.,

Defendants.

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Case No. 6:21-cv-494-JDK-KNM

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff Jeremy Cook, a Texas Department of Criminal Justice inmate proceeding pro se, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge K. Nicole Mitchell for findings of fact, conclusions of law, and recommendations for disposition. Before the Court are Defendants Botie Hillhouse, David Faught, Cody Barnett, Johnathan Hutchison, Wayne Nutt, Gabriel Shue, Kenneth Slaton, the unknown deputy sheriffs, and Ray Yockey's motion for summary judgment for failure to exhaust administrative remedies (Docket No. 45) and motion for summary judgment on the merits of the remaining claims (Docket No. 53) and Defendant Job Mongare's motion for summary judgment on the merits of Plaintiff's medical claims (Docket No. 43).

On December 21, 2022, Judge Mitchell issued a Report recommending that the Court grant each of the summary judgment motions. Docket No. 60. Plaintiff did not


object to the Report, but sent a letter stating: “I do not wish to appeal or object to these rulings.” Docket No. 65.

This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Here, Plaintiff did not object in the prescribed period. The Court therefore reviews the Magistrate Judge’s findings for clear error or abuse of discretion and reviews the legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge’s Report are filed, the standard of review is “clearly erroneous, abuse of discretion and contrary to law”).

Having reviewed the Magistrate Judge’s Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 60) as the findings of this Court and **GRANTS** Defendants’ summary judgment motions (Docket Nos. 43, 45, 53). It is therefore **ORDERED** that this case is **DISMISSED** with prejudice.

So **ORDERED** and **SIGNED** this **10th** day of **February, 2023**.



JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE